

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE,
SPRING VALLEY BRANCH; JULIO
CLERVEAUX; CHEVON DOS REIS; ERIC
GOODWIN; JOSE VITELIO GREGORIO;
DOROTHY MILLER; HILLARY MOREAU;
and WASHINGTON SANCHEZ,

Plaintiffs,

v.

EAST RAMAPO CENTRAL SCHOOL
DISTRICT and MARYELLEN ELIA, IN HER
CAPACITY AS THE COMMISSIONER OF
EDUCATION OF THE STATE OF NEW
YORK,

Defendants.

17 Civ. 8943 (CS) (JCM)

DECLARATION OF MARGARET (“PEGGY”) HATTON

MARGARET (“PEGGY”) HATTON, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury as follows:

Background

1. I am a United States citizen. I am 57 years old. I am a white woman.
2. In 1992, my family and I moved to Chestnut Ridge, New York, and I resided there for over 20 years.
3. In September of 2013, my family and I moved to St. Augustine, Florida, where we still reside.
4. I am a registered voter.

5. From 2005 until September 2013, I voted regularly in general and local elections, including in elections for members of the Board of Education (the “Board”) of the East Ramapo Central School District (“East Ramapo” or “the District”).

6. I have two sons, Sean Francis Hatton, born on July 10, 1992, and Brendan Anthony Hatton, born on August 6, 1998.

7. Sean attended public schools in the District from 2nd grade through 12th grade, and graduated Spring Valley High School in 2011. Brendan attended public schools in the District from kindergarten through 9th grade, at which time our family moved to Florida.

Special Education Services in the District

8. My son Sean has a learning disability and needed special education services through high school. Initially, my husband and I paid for private therapy and special services in private schools, but when Sean was eight, we enrolled him in the District’s public schools.

9. My son Brendan also has a need for special education services, and both he and Sean received special education services through the District and were placed in special education classes.

10. I was very involved in my sons’ education in the District, and I was constantly in contact with their teachers and administrators. Additionally, I served as a parent member on East Ramapo’s Committee on Special Education (“CSE”) for approximately two years, from 2005 to 2007.

11. While my sons were attending public schools in the District, special education students in East Ramapo attended “collaborative classes,” comprised of one-third general education students, one-third talented or gifted students, and one-third special education students. Generally, the collaborative classes had a lower student-to-teacher ratio than the non-

collaborative “regular” classes in East Ramapo. Both of my sons received an excellent education in the District through the collaborative class program. At that time, the special education teachers and staff in the District had a very low turnover rate. To the best of my knowledge, my son, Brendan, was in the last collaborative class offered at Elmwood School.

12. It is my understanding from talking with current parents and educators that very limited academic resources are now devoted to special education students in the District. Notably, the collaborative class program is not used throughout the District as it was previously. Now, most special education students in the District are placed either in the “resource room” during one of their core classes, such as Math, English, or Science, or in a self-contained class environment with students who perform at or below their education level. Although I am not an expert in special education, I understand from my experience raising two sons with special education needs that this current approach in the District is not considered to be nearly as effective for special education students as the collaborative environment because there is no incentive for those students to be challenged or to learn from one another.

13. When my children attended public schools in East Ramapo, the schools were generally racially segregated, with private schools serving white children almost exclusively and public schools serving children of color almost exclusively. To the best of my knowledge, my sons were often one of only a few white students in their classrooms.

Diminished Quality of Education and the Board’s Lack of Responsiveness

14. In 2005, I began attending Board meetings regularly and became very involved in the District’s activities until I moved to Florida in 2013. After I moved to Florida, I continued to stay involved in the District. I am in regular contact with other members of the community

and continue to read newspaper and magazine articles about the District and watch videos of the Board meetings.

15. When I regularly attended Board meetings, all of the Board members knew me by name. Additionally, because of my activism, parents, teachers, and staff members in the District would often share their thoughts and concerns about the District with me, so I could address those issues at Board meetings.

16. Around 2008, I noticed that the Board began to make decisions in favor of the private school community and to the detriment of the public school community.

17. Around 2008, Board members became less responsive to public school parents and students. For example, during Board meetings, Board members would use their cellphones or iPads while parents and students were speaking, would frequently fall asleep during meetings, and would often mumble as they were discussing important public school topics or votes so that it was difficult for anyone to understand what they were saying.

18. Beginning in 2009, the Board began making significant cuts to the public school budget. Hundreds of teachers, administrators, and support staff were laid off, including psychologists and staff who worked with special education students. Before the budget cuts, a psychologist would evaluate students with potential learning disabilities or educational issues and would then recommend special academic placement for the student for the school year. After the cuts, the remaining psychologists would have to split their time among multiple schools, which created a tremendous backlog in processing these evaluations. Other parents informed me that their children did not have special education placement for an entire school year because of this backlog.

19. In 2010, the Board took formal action to make it even more difficult for public school parents to voice their concerns about the District's decline by moving the public comment period from the beginning to the end of meetings. Once the comment period was moved to the end of meetings, participation decreased because not everyone was able to stay for the full length of the meetings, which sometimes lasted for five or six hours.

20. Throughout my regular attendance at Board meetings, I observed Board members treating people of color rudely. In April 2013, for example, a black public school student named Olivia Castor spoke to the Board about the New York Dignity for All Students Act and the importance of tolerance and inclusion in a learning environment. After Ms. Castor finished her comment, the Board looked very agitated and refused to answer any of her questions or address her concerns. The following link contains video footage of the incident, which is consistent with my recollection: <https://www.youtube.com/watch?v=QbVZIJpuycQ>.

21. At Board meetings, Board members made inflammatory comments about public school students from the immigrant community. At one Board meeting in February 2013, a representative for the English Language Learners ("ELL") gave a presentation requesting that ELL students be given iPads or laptops to facilitate lesson plans. In response, Daniel Schwartz, the then Board President, commented that those students would use the items as "swords" or "shields" and destroy them and that their parents would be unable to reimburse the District for the cost. The following link contains video footage of the incident, which is consistent with my recollection: <https://www.youtube.com/watch?v=lhVMz94WJAU>.

The District's New Law Firm

22. In November 2009, the Board voted to replace the District's longtime counsel with the Long Island-based law firm of Minerva & D'Agostino. Before the District hired Mr.

D'Agostino, he represented a school district on Long Island that closed a public school in order to sell it to a private school.

23. Mr. D'Agostino and other representatives of his firm began attending Board meetings regularly in December 2009.

24. During Board meetings, Mr. D'Agostino and his employees were very hostile towards the public school community. They would often smirk or laugh when members of the public school community would speak. On one occasion on July 2, 2013, while I was speaking about my son's test scores, Christopher Kirby, a lawyer employed by Minerva & D'Agostino, began making faces at me and walked out in the middle of my comment. A few moments later, he came back in and began taunting me while I was speaking, at one point telling me to "shut up," calling me an "asshole," and noting that he could smirk as much as he wanted. Later that same night, Mr. Kirby went on a profanity-laced tirade directed at me, calling me numerous disgusting names, like "fat cunt" and "fucking bitch," and telling me he would "blow [his] fucking brains out" if he were married to me. He made me fear for my safety. Throughout Mr. Kirby's outburst, none of the Board members did anything to stop him during the meeting. The following links contain video footage of the incident, which are consistent with my recollection: <https://www.youtube.com/watch?v=x1P-BWF5X4s;>

<https://www.youtube.com/watch?v=qsOcR2mYKq0>. I appear throughout both videos.

25. Around the time the Board hired Mr. D'Agostino, the District began contemplating the sale of two public elementary schools, Hillcrest and Colton. Hillcrest had been renovated, had central air conditioning, and had lots of space. It also abutted New Square, a predominantly white neighborhood in the District, making it very convenient for private school students to attend. Other members of the public school community, including many members of

the black and Latino communities, and I spoke out against the sales of Hillcrest and Colton, but the Board did not address our concerns.

Experience as a Voter

26. From 2007 to 2013, I voted in every Board election. Since 2008, none of the candidates who I voted for have won a contested election for a Board seat. I voted for Suzanne Young-Mercer and Steve Price in 2010, and JoAnn Thompson in 2011, who won, but they all ran as incumbents, and unopposed.

27. Each year that my sons were enrolled in public schools in East Ramapo, I received an annual election reminder from the District. The reminders came in the mail about a month before each Board election on a blue postcard and contained information regarding my specific polling place, the date of the election, and, on some occasions, the school budget vote. To the best of my knowledge, these cards were mailed to all registered voters in the District. In 2009 or 2010, I stopped receiving these reminders. I became very concerned that fewer people would turn out to vote if they were not receiving these reminders. As a result, I wrote a letter to the Board explaining these concerns and asking if and why the practice of sending these reminders had stopped. The Board never responded to my letter or addressed my concerns.

28. Similarly, before 2010, the District would send each public school and private school parent a monthly newsletter describing important developments or events in the District, including information about upcoming Board elections. A copy of the April 2009 public school newsletter, which includes information about the upcoming Board elections, is attached hereto as Exhibit 1. Beginning in 2010, the public school newsletter started arriving more sporadically, and then shortly thereafter, the District stopped sending the public school newsletter altogether. However, the Board continued to send the private school newsletter, which I knew from viewing

copies of the private school newsletter posted to the Board's website at the time. I consistently emailed, wrote, and spoke at Board meetings about the lack of a public schools newsletter. At a Board meeting in December 2011, the Board approved a motion to restart the District's practice of sending a public school newsletter, but the practice again stopped shortly after it started. I have reviewed the minutes of the October 20, 2010 and December 14, 2011 Board meetings, which I attended and in which this matter was discussed, and the minutes accurately reflect my recollection. The minutes of these Board meetings are publicly available on the District's website: http://www.ercsd.org/pages/East_Ramapo_CSD/Board_of_Education/Minute_Archive.

29. I often reviewed the private school newsletters on the Board's website to see if they contained any relevant information for public school parents. Notably, the District included a large and prominent section about upcoming Board elections that stated the date of the election and absentee ballot information and urged readers to get out and vote. For example, attached hereto as Exhibits 2, 3 and 4, respectively, are the April 2010, March 2012 and February 2013 private school newsletters that were posted to the Board's website, encouraging readers to get out and vote. I did not receive a public school newsletter during the spring of any year between 2010 and 2013 that similarly advertised upcoming Board elections and budget votes. Many public school parents that I knew were not aware that the private school newsletters were posted online because the Board did not widely publicize this information.

Experience as a Candidate

30. In 2009 and 2011, I ran for a seat on the Board. I ran because I believed that all students in the District deserve access to an equal education, and that I was capable of facilitating meaningful change to make that possible.

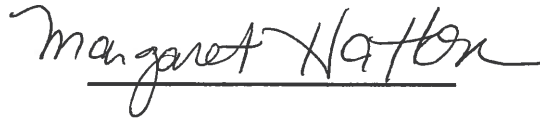
31. While I was campaigning, I was very aware that black and Latino voters, whose children make up the vast majority of East Ramapo public schools, supported my candidacy. I made it a priority to campaign wherever I was invited, including forums hosted by the Jamaican Civic and Cultural Association of Rockland (“JAMCCAR”), NAACP, Power of Ten, and numerous churches in Spring Valley, Hillcrest, and Chestnut Ridge. I was not invited to attend candidate forums or campaign in predominantly white neighborhoods, including New Square, Kaser, or Monsey.

32. Without the support of a large portion of the white community, I lost both the 2009 and 2011 elections.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: St. Augustine, Florida

November 30, 2017

A handwritten signature in cursive script that reads "Margaret Hatton". The signature is written in black ink and is positioned above a horizontal line.

Margaret "Peggy" Hatton